NCA
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BACKGROUNDER NO. 5-5856
W.B. SPRAGUE

DIPLOMATIC IMMUNITY: HOW MUCH IS TOO MUCH?

ANNCR:

THE U-S STATE DEPARTMENT HAS AGREED WITH MEMBERS OF CONGRESS WHO WANT TO CHANGE AMERICAN LAWS RELATING TO DIPLOMATIC IMMUNITY. HERE'S A BACKGROUND REPORT FROM W.B. SPRAGUE.

VOICE:

THERE ARE MORE THAN FORTY THOUSAND PEOPLE WHO LIVE IN THE UNITED STATES, TRAVEL ITS STREETS AND HIGHWAYS, ENJOY POLICE AND FIRE PROTECTION, AND SEND THEIR CHILDREN TO PUBLIC SCHOOLS. BUT, TO VARYING DEGREES, THEY ARE NOT SUBJECT TO AMERICAN LAWS. NEITHER ARE THEY OBLIGED TO MAKE RESTITUTION IF THEIR ACTS INJURE AN AMERICAN CITIZEN.

THESE PEOPLE ARE MEMBERS OF THE FOREIGN DIPLOMATIC COMMUNITY. FOR THE MOST PART, THEY LIVE IN WASHINGTON, WHERE MORE THAN ONE HUNDRED EMBASSIES ARE LOCATED. THERE'S ANOTHER LARGE DIPLOMATIC COLONY IN NEW YORK CITY, SITE OF THE UNITED NATIONS HEADQUARTERS. AND MANY OTHERS LIVE IN OTHER AMERICAN CITIES WHERE THEIR GOVERNMENTS OPERATE CONSULATES OR OTHER OFFICES.

BY U-S LAW, THEY HAVE WHAT IS CALLED DIPLOMATIC IMMUNITY. SOME SIXTEEN THOUSAND HAVE F U L L DIPLOMATIC IMMUNITY. THE REST HAVE IMMUNITY FROM AMERICAN JUSTICE ONLY WHILE PERFORMING OFFICIAL ACTS. BUT THE DEFINITION OF AN OFFICIAL ACT HAS NEVER BEEN VERY PRECISE. AND THESE INDIVIDUALS RANGE ALL THE WAY DOWN FROM MINOR DIPLOMATIC OFFICIALS TO THE EMPLOYEES WHO MOP THE FLOORS AND TRIM THE HEDGES.

MOST OF THESE VISITORS ARE SCRUPULOUS IN THEIR OBSERVANCE OF U-S LAWS AND CUSTOMS, EVEN THOUGH THEY ARE NOT COMPELLED TO OBEY THEM.

BUT OTHERS DO FLOUT AMERICAN LAWS AND BY DOING SO MAR THE IMAGE OF THE ENTIRE GROUP AS WELL AS IRRITATE AMERICAN CITIZENS WHOSE RIGHTS ARE INFRINGED -- FOR EXAMPLE, THE CITIZEN WHO CANNOT COLLECT DAMAGES WHEN HIS VEHICLE IS SMASHED INTO BY A CARELESS FOREIGN FUNCTIONARY.

AGAINST THIS BACKGROUND, SUPPORT HAS GROWN IN CONGRESS FOR CHANGES IN THE PRESENT IMMUNITY RULES. NO ONE SUGGESTS THAT AMBASSADORS AND OTHERS OF HIGH STATURE SHOULD LOSE THEIR SPECIAL STATUS. THE SAME COURTESY IS NORMALLY EXTENDED TO HIGH AMERICAN GOVERNMENT OFFICIALS SERVING ABROAD. BUT UNPUNISHABLE OFFENSES COMMITTED BY COOKS AND BOTTLEWASHERS ON FOREIGN MISSION PAYROLLS DO MAKE THESE LESS EXALTED WORKERS LIKELY TARGETS FOR CONGRESSIONAL ACTION TO CHANGE THE RULES. THE PRESSURE IS ON TO MAKE U-S LAWS CONFORM TO THE VIENNA CONVENTION OF NINETEEN SEVENTY TWO, WHICH SOUGHT TO SET GLOBAL GUIDELINES.

IN SUBSCRIBING TO THIS IDEA, THE U.S. STATE DEPARTMENT ALSO AGREED THAT EVEN THE TOP DIPLOMATS WHO DRIVE CARS, OPERATE BOATS, OR FLY AIRPLANES, SHOULD CARRY INSURANCE IN CASE THEY ACCIDENTALLY HURT SOMEONE.

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